



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/735,006 | 12/12/2000 | Patrick L. Horner | 0788.0005 | 3385 |

23476 7590 05/28/2003

EMERSON & SKERIOTIS
ONE CASCADE PLAZA
FOURTEENTH FLOOR
AKRON, OH 44308

EXAMINER

NGUYEN, PHUONGCHI T

ART UNIT PAPER NUMBER

2833

20

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,006

Applicant(s)

HORNER, PATRICK L.

Examiner

Phuongchi T Nguyen

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/05/03 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claims are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). .
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: .

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 13, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by DeMello (US5997320).

In regard to claim 2, DeMello discloses a dummy plug (12) for use with an associated wiring harness having a first length (L1), a latch beam, and a latch arm, the dummy plug (12) comprising a first end (74); a female end (76) and a second length (L2), the second length (L2) being substantially the same as the associated first length (L1) (see Attachment 1).

In regard to claim 3, DeMello discloses the dummy plug (12) wherein the dummy plug (12) further comprises a head (A); a stem (80) (see Attachment 1).

In regard to claim 4, DeMello discloses the dummy plug (12) wherein the stem (80) has a second width (W2), the female end (76) has a third width (W3), the third width (W3) being greater than the second width (W2) (see Attachment 1).

In regard to claim 5, DeMello discloses the dummy plug (12) wherein the first end (74) has a first width (W1), the first width (W1) being greater than the third width (W3) (see Attachment 1).

Allowable Subject Matter

4. Claim 1 is allowed.
5. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art fails to teach or suggest a dummy plug of 18 durometer inherently lubricating silicon having multiple ribs, a stem and a base arranged as claimed.

In regard to claim 6, the prior art fails to teach or suggest a dummy plug for use with an associated wiring harness comprising a flange having a top and a bottom surface, and a base that is held in place by the associated bottom surface.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knapp et al (US4521064) and Schriver, Jr. (4681691) are cited to show in the electrical connector having a seal for sealing electrical connector.

Response to Arguments

8. Applicant's arguments with respect to claims 2-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PhuongChi Nguyen whose telephone number is (703) 305-0729. The examiner can normally be reach on Monday through Thursday from 8:AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Austin Bradley, can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

May 12, 2003.



RENEE LUEBKE
PRIMARY EXAMINER